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O.C.G.A. § 44-14-363 (Copy w/ Cite)

O.C.G.A. § 44-14-363

GEORGIA CODE

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*** Current through the 2007 Regular Session ***

TITLE 44. PROPERTY

CHAPTER 14. MORTGAGES, CONVEYANCES TO SECURE DEBT, AND LIENS

ARTICLE 8. LIENS

PART 3. MECHANICS AND MATERIALMEN

O.C.G.A. § 44-14-363 (2007)

§ 44-14-363. Special liens on personalty; notice; enforcement; priorities; maximum claims for storage; recordation

(a) All mechanics of every sort shall have a special lien on personal property for work done and material furnished in manufacturing or repairing the personal property and for storage of the personal property after its manufacture or repair, which storage begins accruing after 30 days' written notice to the owner of the fact that storage is accruing and of the daily dollar amount thereof; and said notice shall be mailed to the owner by certified mail or statutory overnight delivery addressed to the owner at his last known address. Such special liens may be asserted by the retention of the personal property or the mechanic may surrender the personal property and give credit when the lien is enforced in accordance with Code Section 44-14-550; and if such special liens are asserted by retention of the personal property, the mechanic shall not be required to surrender the property to the holder of a subordinate security interest or lien. Such liens shall be superior to all liens except liens for taxes and, except as provided in subsection (2) of Code Section 11-9-310, such other liens as the mechanic may have had actual notice of before the work was done or material furnished.

(b) The maximum amount of storage that may be charged shall be \$1.00 per day. Nothing contained in this Code section shall allow a fee for storage to be charged on any item with a fair market value in excess of \$200.00. Storage charges pursuant to this Code section shall not apply to motor vehicles now or hereafter covered by Chapter 3 of Title 40 nor shall the storage fee be charged if there is a bona fide dispute between the customer and the mechanic as to the manner of repair or the charges for repair.

(c)(1) When possession of the property is surrendered to the debtor, the mechanic shall record his claim of lien within 90 days after the work is done and the material is furnished or, in the case of repairs made on or to aircraft or farm machinery, within 180 days after the work is done and the material is furnished. The claim of lien shall be recorded in the office of the clerk of the superior court of the county where the owner of the property resides. The claim shall be in substance as follows:

"A.B., mechanic, claims a lien on (here describe the property) of C.B., for work done, material furnished, and storage accruing (as the case may be) in manufacturing, repairing, and storing (as the case may be) the same."

(2) If possession of the personal property subject to a special lien as provided in this Code

section is surrendered to the debtor and if such special lien is not preserved by recording the claim of lien as provided in paragraph (1) of this subsection, the mechanic acquires a special lien on other personal property belonging to the debtor which comes into the possession of the mechanic, except that this sentence shall not apply to consumer goods which are being used by a consumer for personal, family, or household purposes or which have been bought by a consumer for use for personal, family, or household purposes. The special lien created by this paragraph shall be subject to the provisions of this Code section as to foreclosure and recording.

HISTORY: Ga. L. 1873, p. 42, § 8; Code 1873, § 1981; Code 1882, § 1981; Ga. L. 1884-85, p. 43, § 1; Civil Code 1895, § 2805; Civil Code 1910, § 3354; Code 1933, § 67-2003; Ga. L. 1953, Nov.-Dec. Sess., p. 275, § 1; Ga. L. 1960, p. 912, § 1; Ga. L. 1972, p. 415, § 1; Ga. L. 1979, p. 902, § 1; Ga. L. 1980, p. 831, § 2; Ga. L. 1984, p. 561, § 1; Ga. L. 1985, p. 1107, § 2; Ga. L. 2000, p. 1589, § 3.

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